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10/698,883

10/31/2003

David B. Fallin

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05/20/2005

IP LEGAL DEPARTMENT
TYCO FIRE & SECURITY SERVICES
ONE TOWN CENTER ROAD
BOCA RATON, FL 33486

EXAMINER

NGUYEN, TAI T

ART UNIT

PAPER NUMBER

2632

DATE MAILED: 05/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/698,883

Applicant(s)

FALLIN ET AL.

Examiner

Tai T. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 22-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 22-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 06/14/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of claims 1-12 and 22-44 in the reply filed on 12/20/04 is acknowledged.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-12, 22-29, 31-36, and 44 are rejected under 35 U.S.C. 102(b) as being anticipated by Clare (US 5,745,036).

Regarding claim 1, Clare discloses a method for integrating point of sale (POS) data with electronic article surveillance (EAS) data, comprising:

providing a general purpose computer (17, figure 1) operable to receive and process data;

receiving POS data at the general purpose computer (col. 5, line 60 through col. 6, line 17);

receiving a EAS data at the general purpose computer (col. 6, lines 28-51); and
processing the POS data with the EAS data at the general purpose computer (figures 1 and 5a-5b; col. 6, lines 18-28 and col. 6, line 61 through col. 7, line 10).

Regarding claim 2, Clare discloses the general purpose computer includes a vending database (35) for storing vending data and the POS data as a first portion (40) of the vending data in the vending database (col. 6, lines 1-18).

Regarding claim 3, Clare discloses the general purpose computer includes a vending database (35) for storing the EAS data as a second portion (46) of the vending data in the vending database (col. 6, line 61 through col. 7, line 11).

Regarding claim 4, Clare discloses selecting a subset portion of the vending data comprising selected data from the POS data and the EAS data in according with a predetermined selection criteria (col. 8, lines 1-17).

Regarding claim 5, Clare further discloses reporting the selected subset portion of the vending data in a predetermined format (col. 8, lines 18-31).

Regarding claim 6, Clare discloses the selected subset portion of the vending data is reported to a reporting device, and the selected subset portion provides system health information (col. 8, lines 56-65).

Regarding claim 7, Clare discloses the POS data comprising merchandise data (col. 6, lines 24-29).

Regarding claim 8, Clare discloses the EAS data comprising alarm event data (col. 1, lines 29-65 and col. 8, lines 18-64).

Regarding claims 9-10, Clare discloses the merchandise data being associated with an article (12) by electronically identifying/scanning the merchandise data associated with the article merchandise and providing the merchandise data to the general purpose computer (col. 5, line 49 through col. 6, line 17).

Regarding claims 11-12, Clare discloses deactivating the EAS tag (22) associated with the article merchandise, wherein the POS data includes deactivation data based on the deactivating the EAS tag and activating an alarm if the tag is active (col. 9, lines 15-58).

Regarding claim 22, Clare discloses a system for integrating point of sale (POS) data and electronic article surveillance (EAS) data comprising:

a vending database (35, 40, 46) to store the POS data and EAS data (col. 5, line 60 through col. 6, line 17) and col. 6, lines 28-51); and

a general purpose computer (34) operative communication with the vending database (figures 1 and 5a-5b; col. 6, lines 18-28 and col. 6, line 61 through col. 7, line 10).

Regarding claims 23 and 25, Clare discloses the general purpose computer includes a vending database (35) for storing vending data and the POS data as a first portion (40) of the vending data in the vending database (col. 6, lines 1-18).

Regarding claim 24, Clare discloses the general purpose computer includes a vending database (35) for storing the EAS data as a second portion (46) of the vending data in the vending database (col. 6, line 61 through col. 7, line 11).

Regarding claim 26, Clare discloses a subset portion of the vending data comprising selected data from the POS data and the EAS data in according with a predetermined selection criteria (col. 8, lines 1-17).

Regarding claim 27, Clare discloses a POS device (18) operable to obtain data being associated with an article (12, col. 5, line 49 through col. 6, line 17).

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Regarding claims 28-29, Clare discloses deactivating the EAS tag (22) associated with the article merchandise, wherein the POS data includes deactivation data based on the deactivating the EAS tag (col. 9, lines 15-58).

Regarding claims 31-32, Clare discloses the EAS device operable to receive an alarm event corresponding to an activated EAS tag (col. 1, lines 29-65 and col. 8, lines 18-64).

Regarding claims 33-34, Clare further discloses a detector (42) for detecting a signal generated from an active EAS tag and generating the alarm event (col. 6, lines 28-51).

Regarding claims 35-36, Clare discloses EAS device providing data to an event database (46) subsequently comparing the data with the transaction/POS database (40) and generating a discrepancy report based thereon.

Regarding claim 44, Clare discloses EAS data portion of the vending data being reported to a reporting device, and the selected data portion providing system diagnostic information (col. 8, lines 56-65).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Clare in view of Salim et al (US 2004/0113791).

Regarding claim 30, Clare discloses everything claimed except the POS device being further operable to generate the POS data based on the product information and the EAS tag information. Salim et al. teach a POS data being based on product information and EAS information (figure 1, paragraphs 29-30). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use both the product information and EAS information to generate the POS data for the purpose of enhancing accuracy.

6. Claims 37-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clare.

Regarding claims 37-38, Clare disclose everything claimed except the specific alarm event information and input thereof. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a public relation code identifier or EAS tag problem to control the alarm event information in order to provide for sales promotions and/or tag problems, e.g. tag failure, improper removal, etc.

Regarding claims 39-41, Clare disclose everything claimed except the specific method of entry of the alarm event information. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a keypad, scanner, reader, or usable programmable interface to enter the alarm event information in order to enable the salesperson or manager to update alarm event information.

Regarding claim 42-43, Clare disclose everything claimed except the specific type of connection from the EAS device to the general purpose computer. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use either wired or wireless connection based on the specific operating environment.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

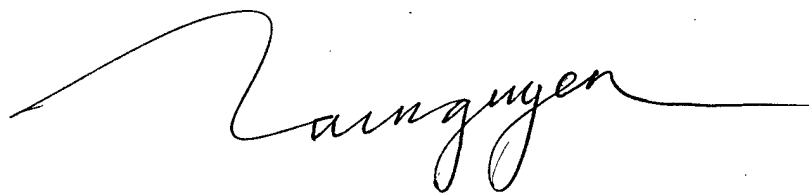
Andersen et al. (US 2002/0011933), Swartz et al. (US 5,979,758), and Robinson et al. (US 5,589,820).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tai T. Nguyen whose telephone number is (571) 272-2961. The examiner can normally be reached on Monday-Friday from 7:30am-5:00pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Tai T. Nguyen", with a long horizontal flourish extending to the right.

Tai T. Nguyen
Examiner
Art Unit 2632

May 15, 2005